

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LEONIS FRANKLIN,

Plaintiff,

-against-

FUJITEC SERGE OF NY and "JOHN DOE",
A FICTITIOUS NAME FOR A FOREMAN
EMPLOYED BY FUJITEC SERGE OF NY,

Defendants.
-----X

Docket No. 07 CV 8590
(RJS/DF)

PROOF OF FILING
NOTICE OF REMOVAL

Defendant, FUJITEC AMERICA, INC., incorrectly sued herein as above (hereinafter "FAI"), by its attorneys, SWARTZ LAW OFFICES, submits herewith the following as proof of filing with the Bronx County Clerk, the Notice of Removal (consisting of Petition for Removal; Verifying Affirmation; and Disclosure Pursuant to FRCP Rule 7.1):

(1) Notice of Filing Removal Petition duly stamped "RECEIVED - 07 OCT 5 - P.M. 2:14 - COUNTY CLERK - BRONX COUNTY"

Dated: New York, N. Y.
November 1, 2007

To:

Steven Siegel, Esq.
STEVEN SIEGEL, P. C.
Attorneys for plaintiff
123-12 82ND Avenue
Kew Gardens, N. Y. 11415

/S/
GERALD NEAL SWARTZ (GNS-1389)
SWARTZ LAW OFFICES
Attys for deft. Fujitec America, Inc. incor-
rectly sued herein as above
475 Park Avenue South, 8TH floor
New York, N.Y. 10016
Tel. (212) 725-7070

Tel. 718-520-0413

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ECF

AFFIDAVIT
OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

MANUEL AYRES, being duly sworn, deposes and says: I am not a party to this action, am over 18 years of age, and reside in Springfield, N. J.

That on November 1, 2007 deponent served the within
PROOF OF FILING NOTICE OF REMOVAL

upon:

Steven Siegel, Esq.
STEVEN SIEGEL, P. C.
Attorneys for plaintiff
123-12 82ND Avenue
Kew Gardens, N. Y. 11415

Tel. 718-520-0413

by depositing a true copy of same enclosed in a postage paid envelope addressed to said counsel at said address, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

/S/

MANUEL AYRES

Sworn to before me, this
1ST day of November, 2007

/S/

Gerald Neal Swartz
Notary Public, State of New York
No. 02 SW 4685686
Qualified in Westchester County
Commission Expires April 30, 2010

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SWARTZ LAW OFFICES

Attys for deft Fujitec America, Inc.

sued herein as above

Office and Post Office Address:

475 Park Avenue South, 8TH Floor

New York, N. Y. 10016

Tel. (212) 725-7070